

Exhibit "E"

Full docket text:

ORDER denying [13] Motion to Remand: Plaintiff's Motion to remand this action to state court hereby is DENIED. The matter properly was removed under 28 U.S.C. §§ 1441 and 1446. Plaintiff initiated the state action in New York Supreme Court, Suffolk County, in a complaint served upon the Defendants on April 26, 2013. *See* Dkt. 1-11 at ECF 18. The initial complaint did not allege any claims rendering the action removable to federal court under 28 U.S.C. § 1441. Thereafter, on or about May 3, 2013, Plaintiff amended its state court complaint to assert a claim for a declaratory judgment that Plaintiff had not infringed the subject patents. *See* Dkt. 1-15. The action thus became properly removable under 28 U.S.C. § 1441 and Defendants noticed removal of the action within the 30 days required under 28 U.S.C. § 1446(b)(1). Therefore, the only basis for remand set forth by Plaintiff, untimeliness, is without merit and the motion is denied accordingly. Ordered by Judge Pamela K. Chen on 7/2/2013.

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